IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4512 OF 2005
IN
CRIMINAL APPEAL NO.664 OF 2005

Ramchandra Krishnaji Pawar
and 8 others ..Applicants

Vs.

The State of Maharashtra
and Ors. ..Respondents

Mr.A.M.Mundergi Counsel with Mr.Rahul Kate for Applicants
Mr.D.P.Adsule A.P.P. for the State
Mr.H.S.Venegaonkar for Respondent No.3

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 2,2005

P.C.

1. Heard the learned counsel for the applicants i.e. the original accused nos.1,3,5,10,16,17,20,21 and 22, the learned advocate for the original complainant-respondent no.3 and the learned A.P.P. for the State.

2. The applicants are convicted mainly under Sections 326 and 307 r.w. 34 of IPC and sentenced

to five years R.I.

3. The learned counsel for the applicants has submitted that the applicants were on bail during the trial and they have not misused the liberty granted to them. This statement is not controverted by the prosecution.

4. I have perused the evidence of the witnesses in this case. There are four injured witnesses who have been examined. The injuries of the said witnesses are as under:

Name of Injured	Injuries.
1)P.W.2 Dnyaneshwar Bhagwat	Two injuries i.e. contusions by hard blunt object. No fracture
2)P.W.3 Shivaji Pawar	Four injuries. Two CLWs, one abrasion and one swelling, Hard and blunt object. No fracture
3)P.W.4 Shalan Ithape	Four injuries. All CLWs, by hard and blunt object. No fracture
4)P.W.5 Janardhan Ithape	Nine injuries. Six

Contusions. Two abrasions, one CLW by hard and blunt object. No fracture.

5. However, none of these witnesses have sustained fracture nor have any of these witnesses sustained internal damage. The learned counsel for the applicants has submitted that looking to the nature of injuries and the fact that there was no internal damage nor any of the witnesses sustained any fracture, Sections 326 and 307 of IPC would not be attracted in the present case. Looking to the evidence on record, I find much merit in this submission.

6. Mr.Venegaonkar, the learned advocate for the complainant has pointed out that applicant no.1 was involved in three cases excluding the present case. It is seen that applicant no.1 has been acquitted in the remaining three cases. Mr.Venegaonkar has further submitted that in the recent past, family members of applicant no.1 had given threats to the complainant in the present case. Hence, he has prayed that applicants should not be released on bail. I find that there is no such allegation in

respect of other applicants.

7. Looking to the facts and circumstances above, I am inclined to grant bail to the applicants.

8. Each of the nine applicants to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up that amount. The applicants nos.2 to 9 shall report to concerned Police Station on 1st and 3rd Sundays of every month. As far as applicant no.1 is concerned, in view of the facts stated by Mr.Venegaonkar, during the period that the applicant no.1 is on bail, he shall stay out of the limits of Taluka Wai. As far as applicant no.1 is concerned, before being released on bail, Bhuinj Police Station shall be informed the address at which the applicant no.1 will reside during the period that he is on bail. The applicant no.1 shall report on 1st and 3rd Sundays of every month to the nearest police station to that address.

9. Application is disposed of.

[V.K.TAHILRAMANI,J.]